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### REMARKS

Applicant has reviewed and considered the Office Action mailed on July 10, 2003, and the references cited therewith.

Claims 1-18, 20-21, 23, 26-29 are amended, claims 30-53 are cancelled, and new claims 59-83 are added; as a result, claims 1-29 and 54-83 are now pending in this application. The new claims

### Interview Summary

On August 5, 2003, Applicant's undersigned representative telephoned Examiner Winter to request clarification with respect to the reference WO 97/19090 cited in making the rejection of claims 13 *et seq.* The Examiner noted that this reflected a typographical error, and that the correct reference is WO 92/19090, provided by Applicant.

### Affirmation of Election

**The Examiner refers to claims 1-12 as withdrawn, despite Applicant's amendment in the Response to Restriction Requirement: "Applicant elects, without traverse as to groups III, IV, and V, Group II (claims 13-29), and amends claims 1-12 to depend on (and thus be part of) the elected group of claims."**

As provisionally elected by Applicants representative, Charles A. Lemaire, on June 2, 2003, Applicant elects **without traverse** to prosecute the invention of Group II, claims 1-29, 59-85 relative to groups I and III-V. Applicant still traverses the restriction as to Group VI. The Examiner's comment on claim 54 having separate utility as an automobile fender is not understood by Applicant. Applicant respectfully submits that the test used for such a restriction is Virtually any claim to a shell is usable as an automobile fender. Separate utility is not the test as to whether two different inventions are claimed. Reconsideration and withdrawal of the restriction of Group VI (claims 54-58) is respectfully requested.

Further, new means-plus-function claims 59-63 form linking claims, as do claims 64-65 and claims 81-83, such that the same invention is linked. Applicant respectfully asserts that all pending claims are to "an invention" as defined in 35 U.S.C. 101 and 102.

The claims of the non-elected inventions, claims 30-53, are hereby cancelled, as are claims 57-58 solely in order to save claim fees. However, Applicant reserves the right to later file continuations or divisions having claims directed to the non-elected inventions.

#### Claim Objections

Claim 23 was objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Since claim 23 was rejected, this should have been noted in the rejection portion. However, claim 23 is a product-by-process claim. Such claims are permissible under *In Re Pilkington*, 162 USPQ 145 (CCPA 1969) and many other cases; see MPEP 2173.05(p). Reconsideration and withdrawal of the objection is respectfully requested.

#### Objections to the Drawings

The objections to the drawings are noted. Enclosed are marked-up copies of Figures 7, 9A, 15A, 15J, 16b, 16E, 17, 19A21A, 21B, 23, 24A, 25A, 26A, and 26B of the drawings showing the following proposed amendment in red ink, as well as a complete set of corrected drawings (Figures 1A-32B).

Figure 7 is amended to include reference number 714 (the beam from 713) described on page 29 line 9.

Figure 9A is amended to include reference numbers 922, 926, 927, 928, 932 for successive layers described on page 42 lines 8 and 13(922), 17(926), 18(927), 19(928) and 22(932), also shown in Figure 9B and described on page 43 line 21- page 44 line 6.

Figure 19A is amended to include reference numbers 1110 and 1110' described on page 59 line 18 and also shown correspondingly in Figure 19B.

Figure 23 is amended to delete unneeded reference number 2323.

Figure 24D is amended to delete unneeded reference number 2467.

Figure 25A is amended to delete unneeded reference number 2323.

Figure 26A is amended to include reference number 2320 described on page 72 line 23, and delete unneeded reference numbers 2518 and 2519.

Please note that reference sign 2400 is shown in Figure 24A.

Page 80 line 20 is amended to delete the unneeded reference 2800'.

Reconsideration and withdrawal of the drawing objections is respectfully requested.

*§102 Rejection of the Claims*

Claims 13-27 were rejected under 35 USC § 102(b) as being anticipated by WO 92/19090 (inventors Radmall et al.). Applicant respectfully traverses. Radmall et al. describe a printed circuit board having an embedded battery therein. This is not a shell. Radmall et al. describe a flat circuit board that eliminated the need for a separate battery case. As stated at page 3 paragraph 2 "The circuit board may be rigid or, where it is to conform to another shape, such as an inside surface of a case, it may be made flexible." Thus, the reference seems to teach away from the present invention, in that the reference contemplates a battery within a rigid or flex circuit board and a separate case, in contrast to the battery integral to the shell of the present invention. Applicant has amended claim 13 to more clearly define the shell, which clearly distinguishes the present invention from the cited Radmall et al. reference. The other claims that depend upon claim 13 have been amended to comport with the changes made to claim 13. Each of the dependent claims further defines the invention to further distinguish from the cited references. The Radmall et al. reference clearly does not contemplate the battery integral to the device case. Reconsideration and withdrawal of the rejections, and an early indication of allowance is respectfully requested.

*§103 Rejection of the Claims*

Claims 28 and 29 were rejected under 35 USC § 103(a) as being unpatentable over WO 92/19090 (Radmall et al.) as discussed above and Tuttle et al. (US 5,448,110). Applicant respectfully traverses. Radmall et al. describe a printed circuit board having an embedded battery therein. This is not a shell. The Examiner asserts that since batteries and capacitors are both energy storage mediums that Radmall et al. implicitly disclose a capacitor. Applicant disagrees with the argument. Rubber bands and flywheels are also storage mediums, but clearly not capacitors. Radmall et al. teach nothing about capacitors. Tuttle, on the other hand,

describes an RFID package having a battery, capacitor, IC, and antenna wires. This package is also not a shell or portion of an enclosure for an electrical device (it is the electrical device, but cannot enclose anything else). Thus, like Radmall et al., Tuttle et al. do not describe or suggest that their device is shell or a portion of an enclosure for a device (while both provide an enclosure for their respective batteries, the batteries are not part of a shell or enclosure for something else. In contrast, the present claims 28 and 29 describe a shell having an integral battery and capacitor, and thus distinguish from and are not obvious in view of the references. Accordingly, reconsideration and withdrawal of the rejections, and an early indication of allowance is respectfully requested.

Information Disclosure Statement

Applicant submitted an Information Disclosure Statement and a 1449 Form on March 23, 2001, an E-filed Information Disclosure Statement and a 1449 Form on April 11, 2003, and respectfully requests that initialed copies of the 1449 Forms be returned to Applicants' Representatives to indicate that the cited references have been considered by the Examiner.

Applicant's Information Disclosure Statement and 1449 Form E-filed on June 9, 2003 was returned by the Examiner with the Office Action of July 10, 2003, but the first page was missing. Applicant respectfully requests that the Examiner return the first page of the June 9, 2003 1449 Form with the next communication.

Applicant is also submitting a supplemental IDS and fee herewith. Applicant respectfully requests that initialed copies of the 1449 Form be returned to Applicants' Representatives to indicate that the cited references have been considered by the Examiner.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6949) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

MARK L. JENSON ET AL.

By their Representatives,

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Date

12/10/2003

By

Charles A. Lemaire

Charles A. Lemaire

Reg. No. 36,198

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10<sup>th</sup> day of DECEMBER, 2003.

CHARLES A. LEMAIRE

Charles A. Lemaire

Name

CHARLES A. LEMAIRE  
REGISTRATION # 36,198

Signature



701 Fig. 7

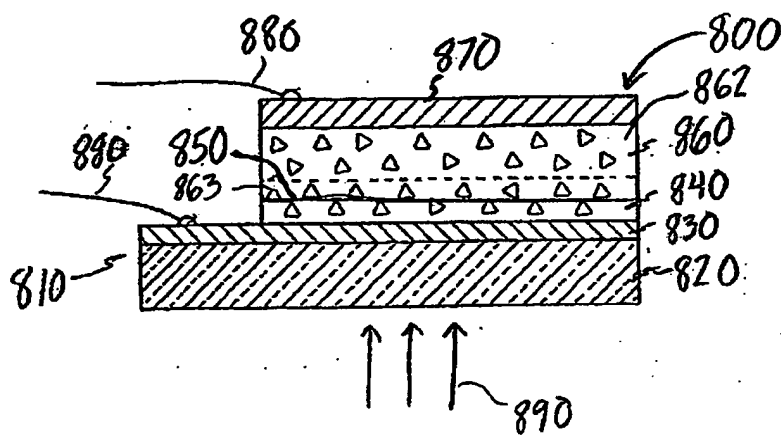
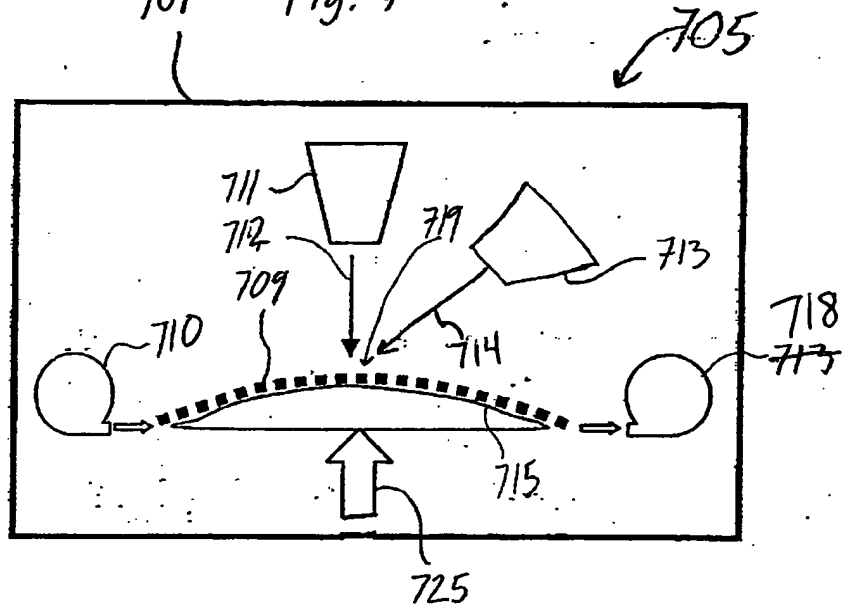
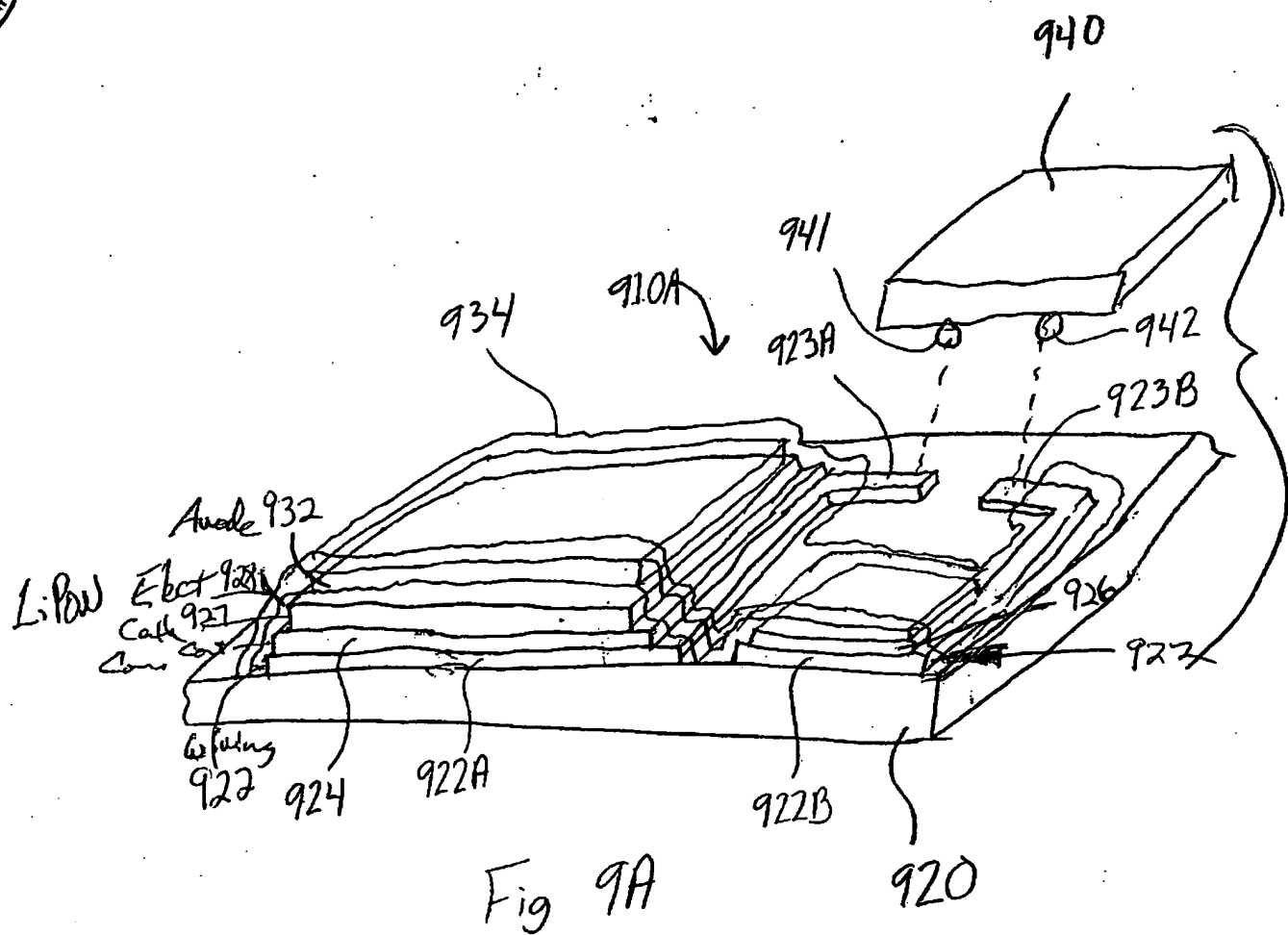


Fig. 8





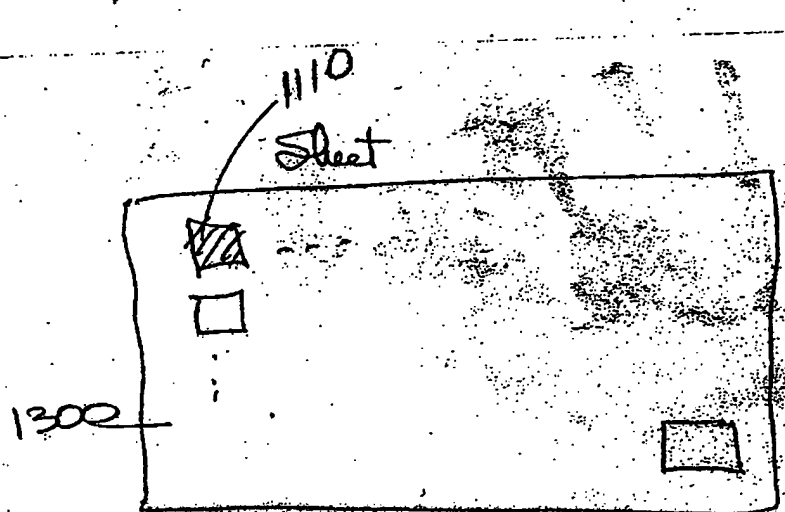


Fig 15A

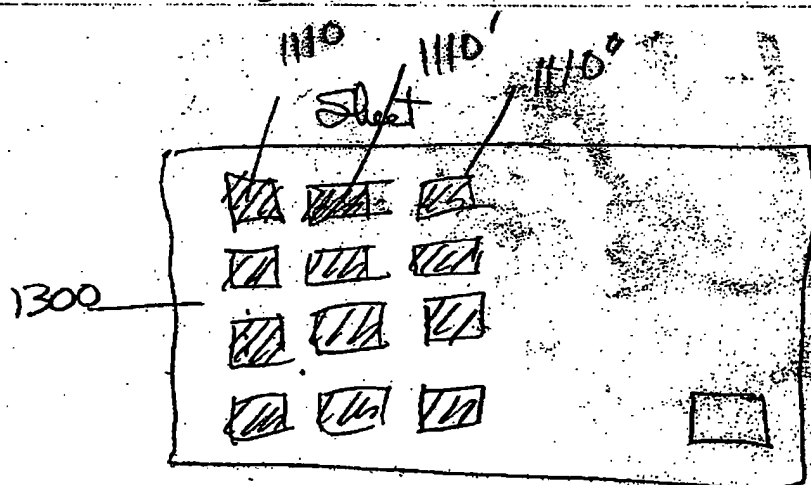
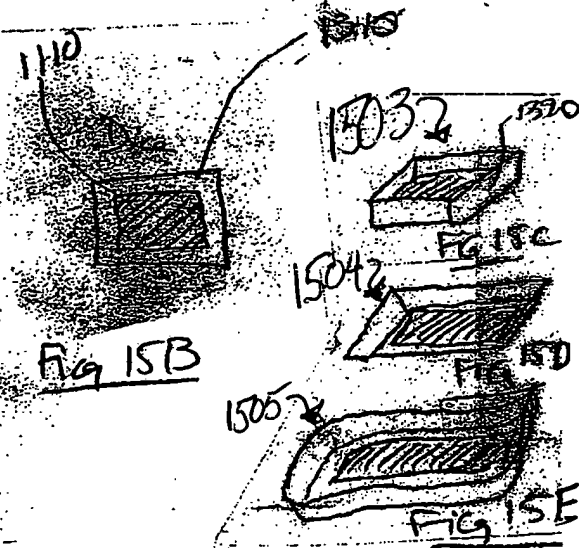
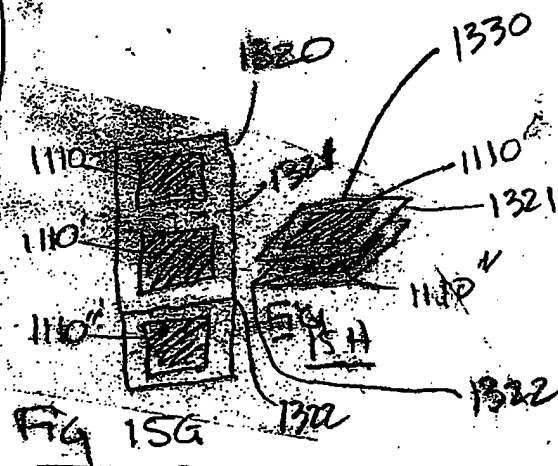


Fig 15F



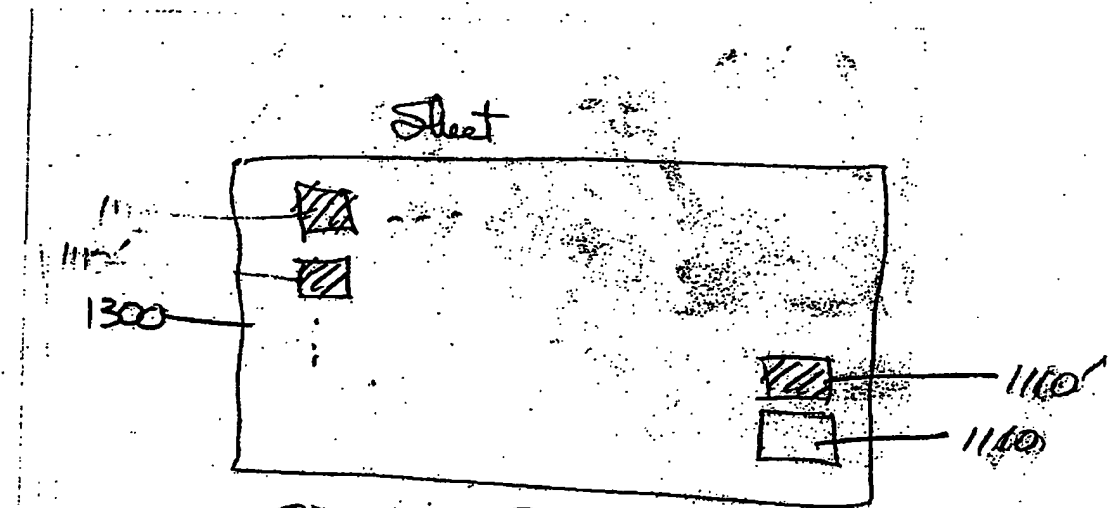


FIG 15I

for egg carton vacuum form  
onto form

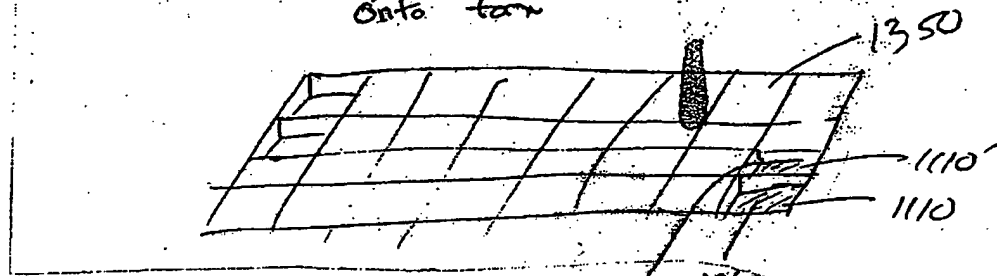


FIG 15J

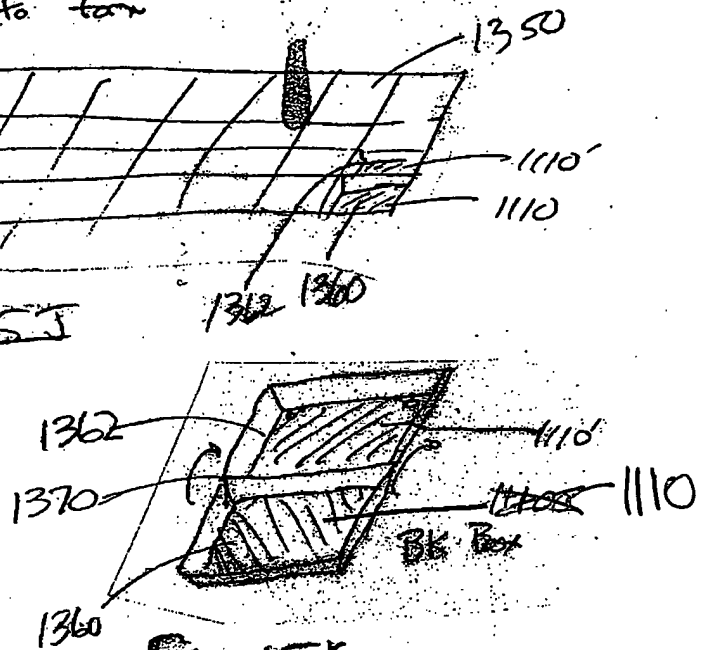


FIG 15K

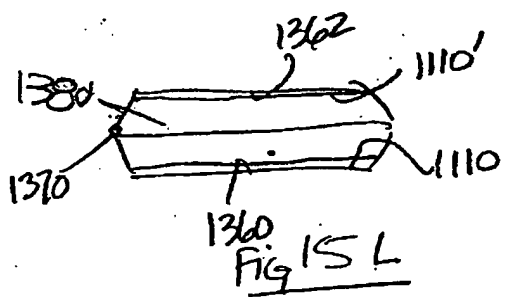


FIG 15L

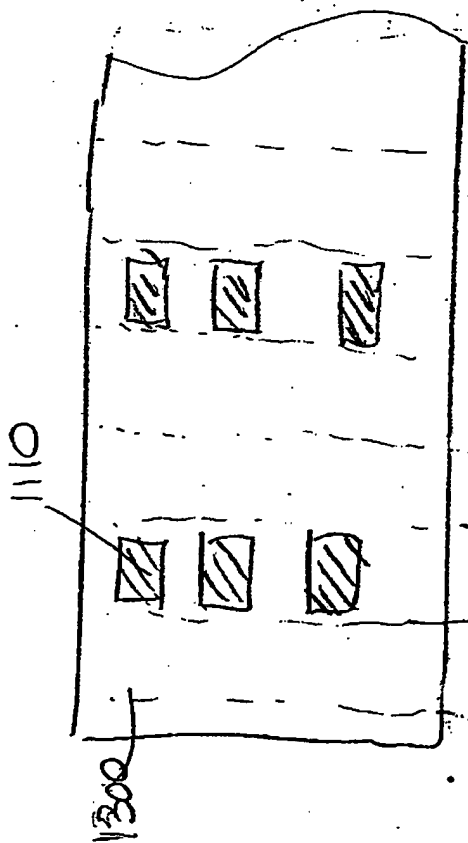


Fig. 16A

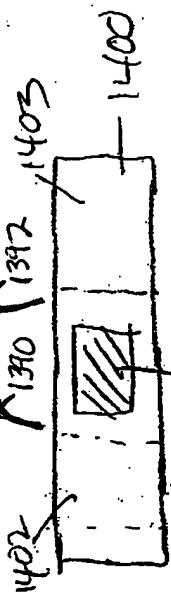


Fig. 16B

Sensor Card



Fig. 16C



Fig. 16D

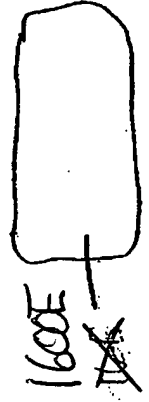
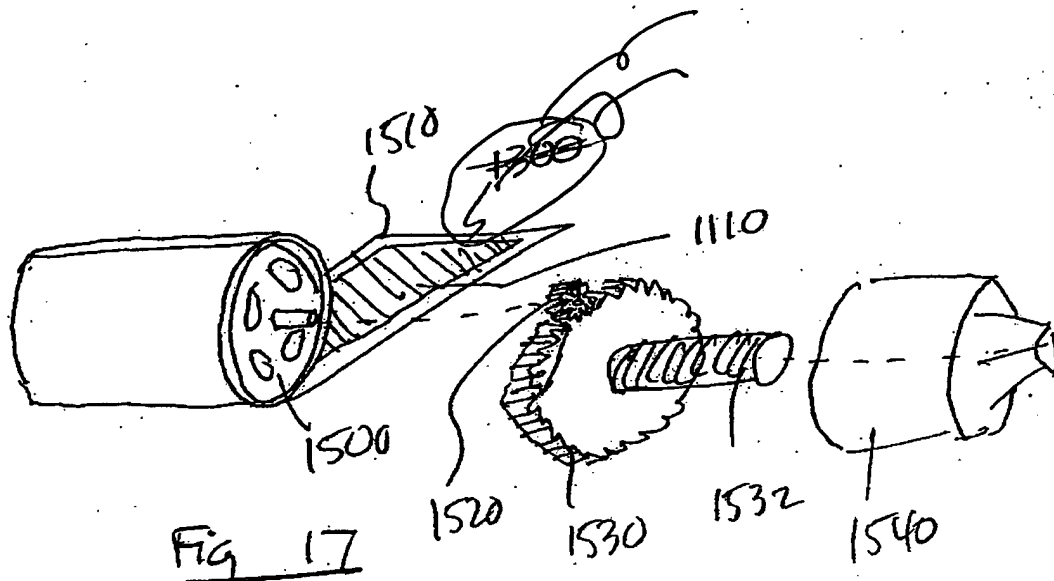


Fig. 16E





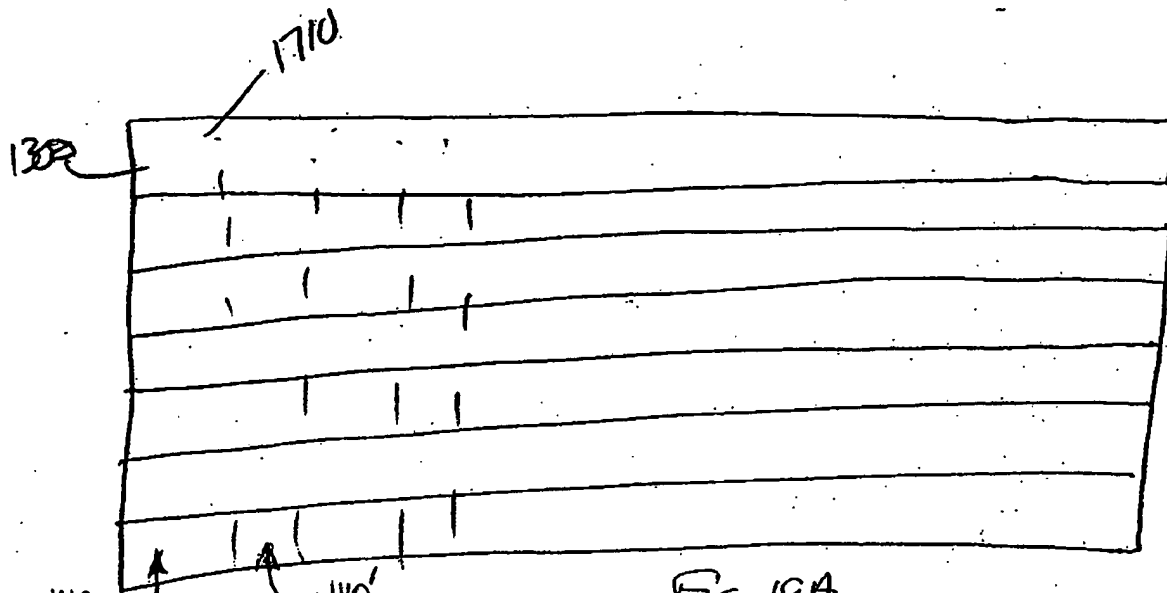


Fig 19A

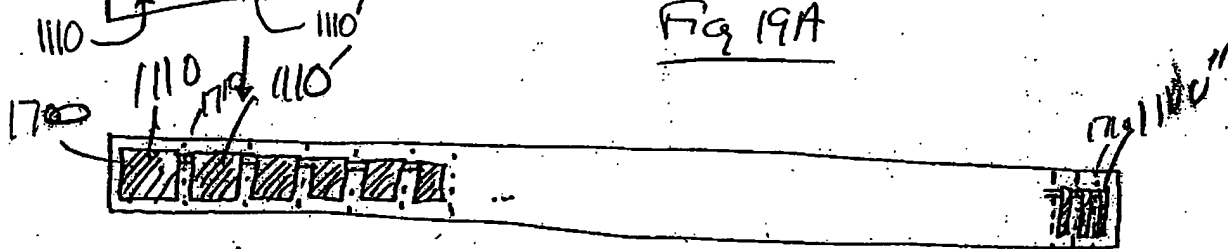


Fig 19B



Fig 19C

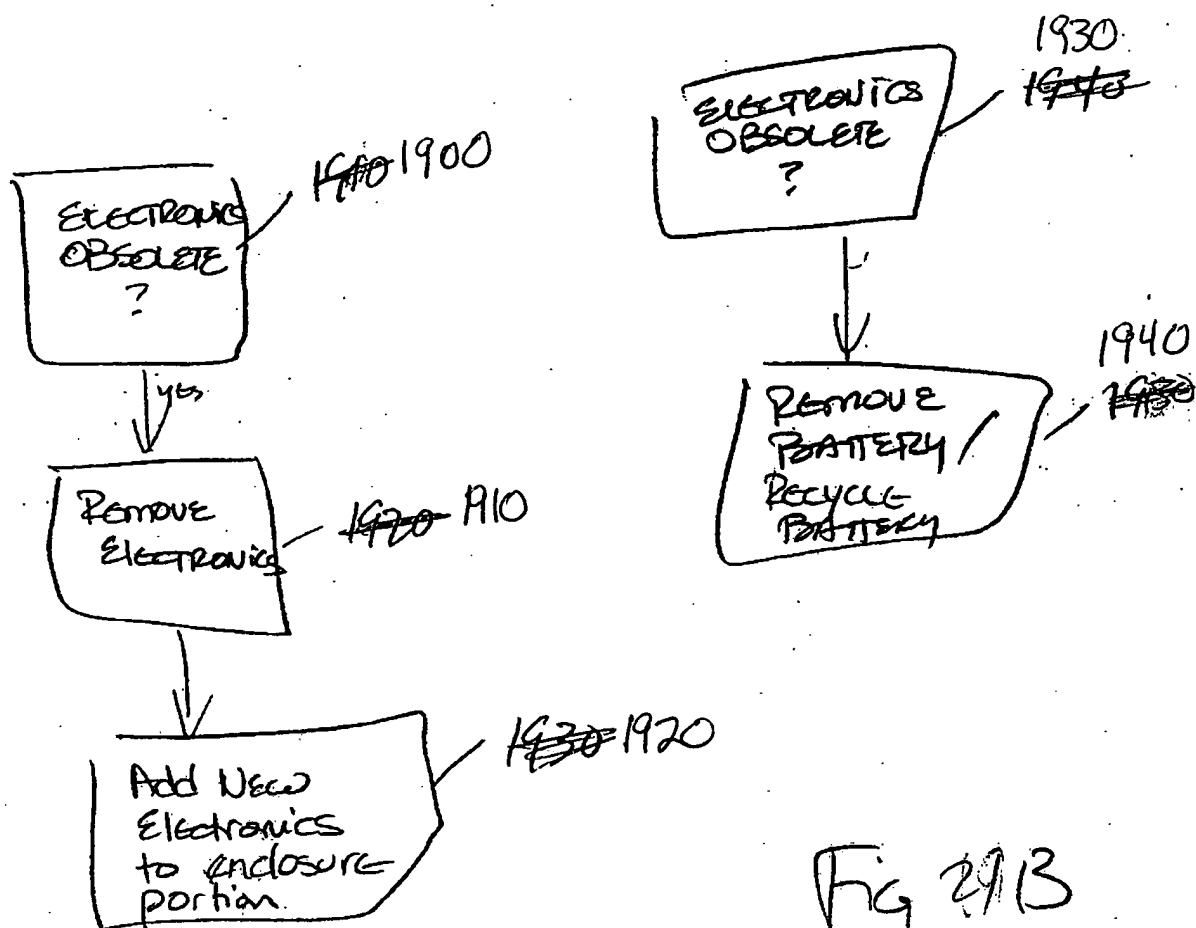


Fig 21A

Fig 21B

